

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
MERCK-3155

In re Application of: **Wolfgang STAEHLE, et al.**

Application No. **10/573,176**

Filed: **March 23, 2006**

For: **1,3-BENZOXAZOLYL DERIVATIVES AS KINASE INHIBITORS**

The owner*, **MERCK PATENT GMBH**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number **12/328,320**, filed on **December 4, 2008**, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney of record. Reg. No. **32,542**.

/Brion P.Heaney/

August 13, 2009

Signature

Date

Brion P. Heaney

Typed or printed name

703-243-6333

Telephone Number

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